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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/515,813 02/29/00 HANEBRINK

T 473-009270-U

EXAMINER

PM82/0309

Perman & Green LLP
425 Post Rd
Fairfield CT 06430

LOUIS JACQUES J
ART UNIT PAPER NUMBER

3661
DATE MAILED:

03/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/515,813

Applicant(s)

HANEBRINK, THOMAS

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 February 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Response to Preliminary Amendments

1. The preliminary amendment filed on February 29, 2000 has been entered and considered by the examiner

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

However, Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Information Disclosure Statement

3. The information disclosure statement filed February 29, 2000 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to because the boxes must be labeled. For example, in figure 1, item 11 should be labeled "Mobile Phone".

Correction is required.

Specification

5. The disclosure is objected to because of the following informalities: the headings of the different sections of the specification are missing. For example, "Background of the Invention", "Summary of the Invention", "Brief Description of the Drawings", etc. are missing.

Appropriate correction is required.

Claim Objections

6. Claims 1-13 are objected to because of the following informalities: the use of the phrase "characterized in that" is inappropriate since it does not particularly point out and distinctly claim the invention, but merely its characteristics.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Saga et al [5,862,510].

Saga et al discloses a navigation device comprising a traffic information receiving means for receiving traffic information, a current position detecting means for detecting a current position of the vehicle, a system controlling means to which are inputting vehicle position and traffic information. Based on the vehicle position and traffic information data processed by the system controlling means traffic messages are outputted to the vehicle. As set forth in columns 1 and 2, Saga et al discloses a destination inputting means through which a driver inputs a destination, a distance determining means for determining the distance from the current position of the vehicle to the destination on the basis of position data output by the current position estimating means and destination data input through the destination inputting means, *an information storing means for storing road traffic information* such as road information input in advance and traffic information input sequentially as needed, an information reading means for reading data which are associated with the current position from the information storing means, and an information restricting means for judging the importance of the road traffic information on the basis of data about the information output by the information reading means and data about the distance output by the distance determining means so as to prevent some

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pieces of road traffic information of little importance from being output to the display means. According further to Saga et al, specified area surrounded the current position of the vehicle and the direction of the vehicle is taking into consideration when outputting the traffic information.

9. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sumizawa [6,185,503].

Sumizawa discloses a navigation system reports on a traffic control point and a traffic jam location by voice on a route, various types of traffic information are received by an FM multiplex receiver. If the received traffic information set, the distance from the current position to the tail end of the traffic jam location is calculated and is reported by voice through a speaker. A means for route setting that sets a route to a destination, a position detection device that detects a current position, a reception device that receives traffic information from outside and a reporting device that, when the traffic information received by the reception device indicates that there are a plurality of locations which may constitute a hindrance to traveling on the route that has been set, calculates the distances from the current position detected by the detection device to the locations that may constitute a hindrance and then issues a voice report on the nearest one. The length of the traffic jam may be reported in addition to the distance to the traffic jam location. When there is a plurality of traffic jam locations or traffic control points, a voice report may be issued on all of them. Only traffic jam locations or traffic control points that are within a specific distance from the current position may be reported. Also, according to

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Sumizawa, the traffic messages or locations are outputted based on their distances to the current position of the vehicle.

10. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Goss et al [5,933,094].

Goss et al discloses a device for editing and outputting information for a motor vehicle, wherein there is provided a receiver for digitally coding traffic messages. According to Goss et al, the traffic messages are stored along with the locations of the traffic. The location of the vehicle is compared to the locations of the traffic messages. There is provided a Global Positioning System GPS for determining the positions of the vehicle. The direction of the vehicle is also determined. See column 1. The device according to Goss et al is such that it does not provided unnecessary traffic messages that are not relevant to the driver. In accomplishing this, the device of Goss et al outputs traffic messages based on distance of the present location of the vehicle and the traffic location. See column 2. Also, the traffic messages are updated in accordance with predefined time periods. As further described in columns 7 and 8, the traffic messages and/locations are outputted according to some kind of priority or weight (resistance value) associated with the distances between the present location of the vehicle and the locations of the traffic.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,095,532	Mardus	Mar. 1992
5,406,490	Braegas	Apr. 1995
5,831,552	Sogawa et al	Nov. 1998
5,835,026	Wicks et al	Nov. 1998
5,850,190	Wicks et al	Dec. 1998
5,892,463	Hikita et al	Apr. 1999
5,908,464	Kishigami et al	Jun. 1999
5,911,773	Mutsuga et al	Jun. 1999
6,012,012	Fleck et al	Jan. 2000
6,151,552	Koizumi et al	Nov. 2000

Each of the above cited prior art references discloses limitations that are pertinent to applicant's claimed invention. While, in order to avoid a lengthy office action, these reference have not been applied in a rejection against the claims, applicant is strongly suggested to carefully consider in response to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 8:30 AM - 5:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
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/jlj
March 6, 2001

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER